

**DATE:** January 3, 2000

DSL-BQA-00-002

**TO:** Nursing Homes

NH 02

**FROM:** La Vern Woodford, Chief  
Resident Care Review Section

**cc:** Susan Schroeder, Director  
Bureau of Quality Assurance

<p><b>Elimination of Opportunity to Correct Before Federal Sanctions Are Implemented</b></p>
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Effective with surveys completed on or after January 14, 2000, the federal Health Care Financing Administration (HCFA) has instructed states to implement, or recommend to HCFA, immediate sanctions if certain criteria are met. Nursing homes that will be subject to immediate sanctions and which will not have an opportunity to correct before we implement or recommend federal sanctions are nursing homes that:

- have one or more federal deficiencies alleging actual harm (grid level of G or above) at the present survey; **and**
- had one or more federal deficiencies at a grid level of G or above at the last certification survey or any survey in-between the last certification survey and the present survey.

In the past, most nursing homes that were in substantial compliance with the federal nursing home regulations at the start of a survey had an opportunity to correct any deficiencies that the Bureau of Quality Assurance (BQA) cited. In these cases, BQA, or HCFA, did not impose a federal sanction unless deficiencies were found at a revisit. The only exceptions were those rare cases where immediate jeopardy was cited during the survey or where the facility had consecutive surveys with substandard quality of care. Effective with this change, any nursing home that has a deficiency at a grid level of G or above at the present survey and had a prior deficiency at G or above (issued at the last re-certification survey or later) can expect an immediate federal sanction. In most cases, this will be a civil money penalty. The sanction will continue until the nursing home comes into substantial compliance with all federal nursing home regulations.

Federal citations at a level G or higher that are issued prior to the last recertification survey do not count toward denying a facility an opportunity to correct.

HCFA has implemented this change in response to testimony before the United States Senate that past enforcement efforts did not go far enough in preventing repeated non-compliance or in ensuring the health and safety of nursing home residents.

If you have questions, please contact the Regional Field Operations Director assigned to your facility. Their names and phone numbers are listed below.

Southern Regional Office 3514 Memorial Drive Madison, WI 53704-1162	Phyllis Tschumper, RFOD	(608) 243-2374 FAX: (608) 243-2389
Southeastern Regional Office 819 N. 6th St., Rm. 875 Milwaukee, WI 53203-1606	Tony Oberbrunner, RFOD	(414) 227-4908 FAX: (414) 227-4139
Northeastern Regional Office 200 N. Jefferson St., Suite 211 Green Bay, WI 54301-5182	Pat Benesh, RFOD	(920) 448-5249 FAX: (920) 448-5254
Northern Regional Office 1853 N. Stevens Street, Suite B Rhineland, WI 54501-1246	Marianne Missfeldt, RFOD	(715) 365-2802 FAX: (715) 365-2815
Western Regional Office 610 Gibson St. Eau Claire, WI 54701-3667	Joe Bronner, RFOD	(715) 836-4753 FAX: (715) 836-2535